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| GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606 | | | | GATES, ERIC ANDREW |
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/760,110
Filing Date: January 16, 2004
Appellant(s): MARINI ET AL.

Roger D. Greer

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 17 July 2008 appealing from the Office action mailed 15 February 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. Appellant's arguments with respect to the §102(e) rejection of claims 1-3 based upon Kramer et al. '548 patent have been fully considered and are persuasive.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0017026 A1 KAKIUCHI ET AL. 2-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kakiuchi et al. (US 2002/0017026). Kakiuchi et al. 2002/0017026 shows in Figures 8-12 a tool-less blade clamping apparatus (50) for a reciprocating tool having a plunger (52) with at least one radial aperture (52c) and a blade receiving slot (52a) at its forward end

for receiving a blade (3) having a shank portion (3b) with a hole (3a) and outwardly extending shoulders (3c) on opposite sides thereof (Fig. 12). Kakiuchi et al. 2002/0017026 shows the shank configured to be inserted in the slot (Figs. 8-12) and the apparatus configured to be attached to the plunger and having an opening (Figs. 8-12) for receiving the blade shank therein. Kakiuchi et al. 2002/0017026 shows the apparatus having an unclamped position (Figs. 8, 9) and a clamped position (Figs. 10-12) wherein the shank portion of the blade can be inserted into the opening when in the unclamped position and securely retained therein with the shoulders engaging the apparatus (Fig. 12) when in the clamped position. Kakiuchi et al. 2002/0017026 shows the apparatus being biased via spring (54) toward the clamped position (paragraph [0067]) and being operable to maintain its unclamped position via a releasable retaining mechanism (operating sleeve 53, auxiliary sleeve 59, spring 54, blade lock control slot 53aa, blade lock slot 53ab, pin 55) when placed in said unclamped position (paragraph [0067]). Kakiuchi et al. 2002/0017026 shows the apparatus being released when the shoulders (3c) of the blade shank portion engage the apparatus as the shank portion is inserted into the opening and slot a predetermined distance to place the apparatus in the clamped position (Fig. 12 and paragraph [0067]) and the apparatus engaging the shoulders of the blade and pushing the blade shank portion outwardly (via block 56 and spring 57) when moved in the unclamped position.

(10) Response to Argument

Appellant's arguments filed 17 July 2008 have been fully considered but they are not persuasive.

Appellant has not properly argued the final rejection of claims 1-4 under 35 U.S.C. 102(b) as being anticipated by Kakiuchi et al. (US 2002/0017026), as the arguments provided by Appellant are directed to the rejections set forth in the non-final office action mailed 16 October 2007 and not the final office action mailed 15 February 2008. For this reason, the rejections are maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Eric A. Gates/

Examiner, Art Unit 3726

Conferees:

/DAVID P. BRYANT/
Supervisory Patent Examiner, Art Unit 3726

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